

CA 547-05
VAR

Mauche, Jacques
05-3221

MSA-S-1829-4875

Personnel
(continued)

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

September 6, 2006

Mr. John Swartz
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: AP #65292 Mauche

Dear Mr. Swartz:

This letter is in response to the above referenced building and grading permit. As a component of the January 5, 2006 Board of Appeals reconsideration hearing and subsequent amended order, the Board required that the revised plan of development showing the revised location for the proposed pool be submitted to and approved by the Critical Area Commission prior to the issuance of the building permit by the County.

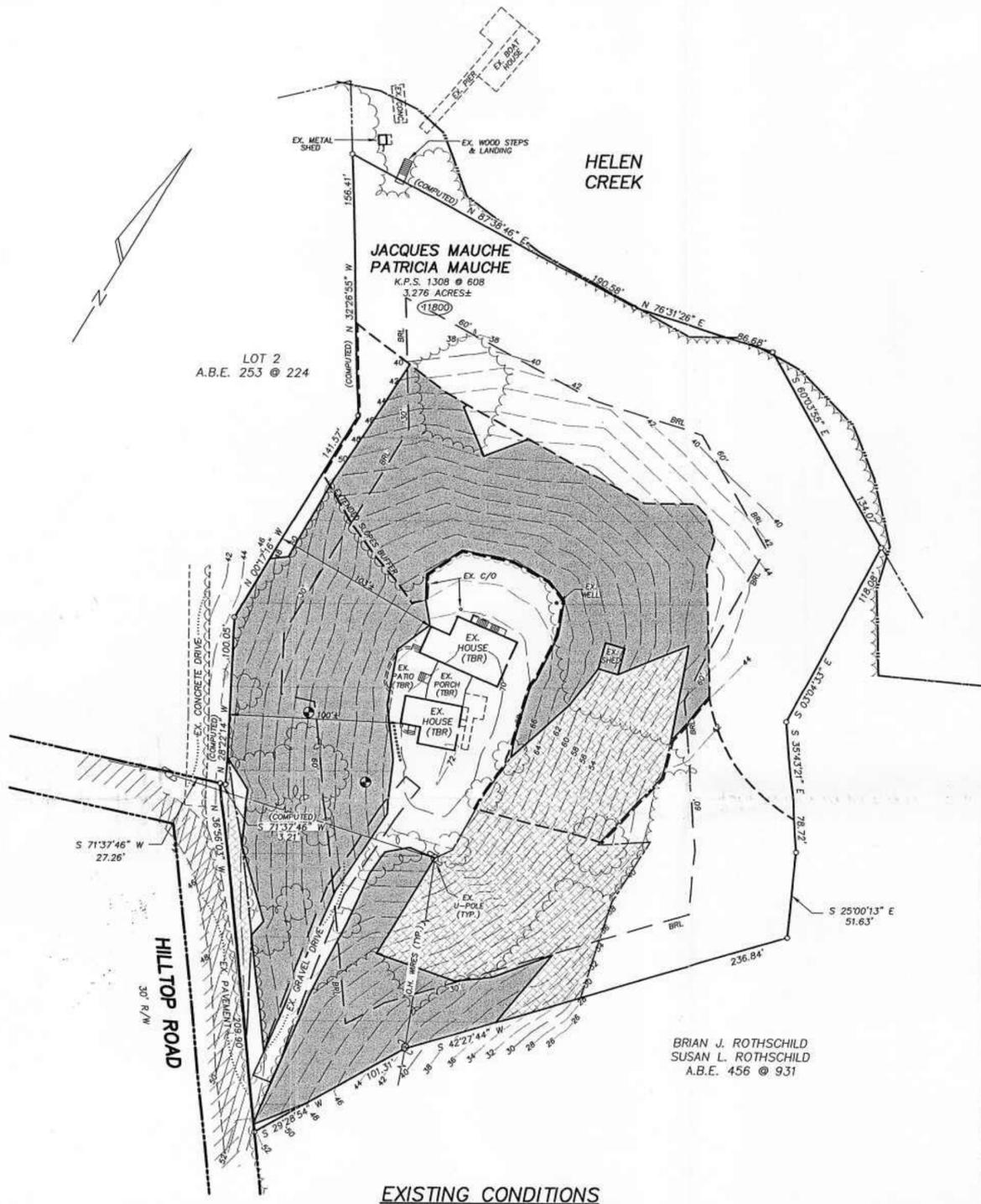
The intent of this letter is to advise you that I have reviewed the site plan submitted in conjunction with the Board's amended order and concur that the location marked by a star on Exhibit #1 is accurate in regard to the agreed upon location. Therefore, please consider this letter as notice of the Commission's official approval of the building permit application.

Thank you for your coordination in bringing this building permit application to the Commission for review and approval. Should you have any questions regarding our review of the plan, or the contents of this letter, please feel free to contact me. Alternatively, you may also contact Ren Serey at 410-260-3462 or Kerrie Gallo at 410-260-3482.

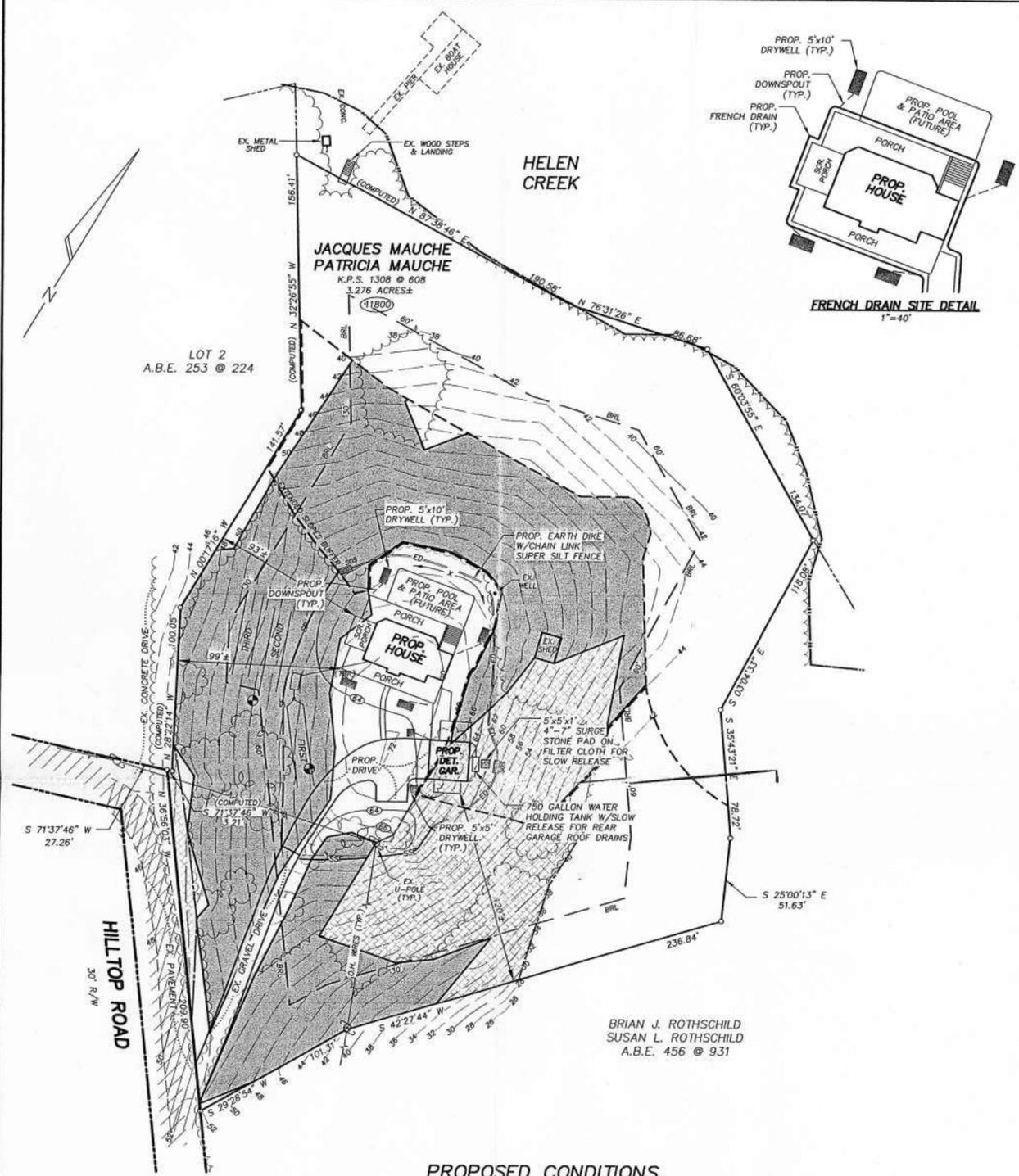
Sincerely,

A handwritten signature in black ink that reads "Martin G. Madden".

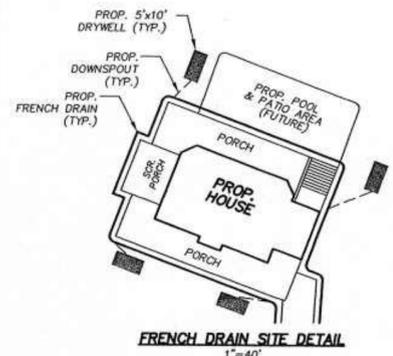
Martin G. Madden
Chairman



EXISTING CONDITIONS



PROPOSED CONDITIONS



FRENCH DRAIN SITE DETAIL
1"=40'

INFORMATION STATEMENT

30' X 50' TWO STORY HOUSE ON BASEMENT
24' X 44' GARAGE W/STUDIO ABOVE
(2) VARIABLE WIDTH PORCH
14' X 18' PORCH
22'2" X 49'6" POOL AREA

GARAGE ELEVATION: 65.5
FIRST FLOOR ELEVATION: 67.0
BASEMENT ELEVATION: 58.0

LOT AREA: 3,276 ACRES ±
DISTURBED AREA: 20,470 SQ. FT. ±
EX. IMPERVIOUS AREA: 6,454 SQ. FT. ± OR 4.5%
PROP. IMPERVIOUS AREA: 9,428 SQ. FT. ± OR 6.6%
FORESTED AREA: 91,159 SQ. FT. ± OR 63.9%
FORESTED AREA TBR: 604 SQ. FT. ±

OWNER: JACQUES MAUCHE
PATRICIA K. MAUCHE
DEED: K.P.S. 1308 @ 608
TAX I.D.#: 01-018965

SOILS MAP #42
SOIL TYPE: **Ee** ERODED LAND, STEEP
ReD RUMFORD-EVESBORO GRAVELLY LOAMY SANDS, 12 TO 20 PERCENT SLOPES
SqB2 SASSAFRAS LOAMY FINE SAND, 2 TO 5 PERCENT SLOPES, MODERATELY ERODED

THIS LOT IS IN THE CRITICAL AREA. SEE ATTACHED STORMWATER NARRATIVE. CONTACT "MISS UTILITY" AT 1-800-257-7777 AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.

DECKS AND OTHER STRUCTURES NOT SHOWN DO NOT HAVE ZONING APPROVAL FOR CONSTRUCTION.

THE ISSUANCE OF COUNTY PERMITS IS A LOCAL PROCESS AND DOES NOT IMPLY THE APPLICANT HAS MET STATE & FEDERAL REQUIREMENTS FOR WETLAND FILLING AND/OR WETLAND BUFFER DISTURBANCE.

THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, RIGHTS-OF-WAY OR BUILDING RESTRICTION LINES NOT SHOWN.

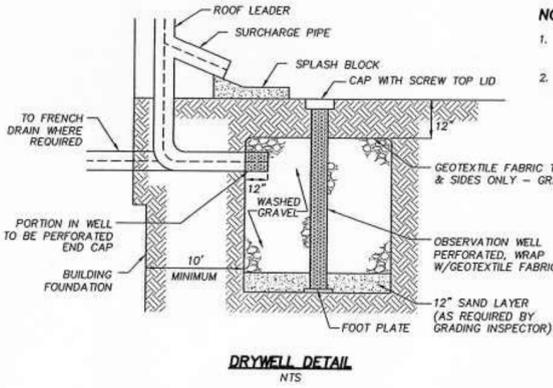
EXISTING SEPTIC TO BE ABANDONED PER COMAR REGULATIONS.

EXISTING WELL TO BE UTILIZED. SEPTIC SYSTEM SHALL BE UPGRADED TO A DENITRIFICATION SYSTEM.

SEE ATTACHED CONSTRUCTION PHASING PLAN. THERE SHALL BE NO STOCKPILING OF EXCAVATED MATERIALS ON SITE.

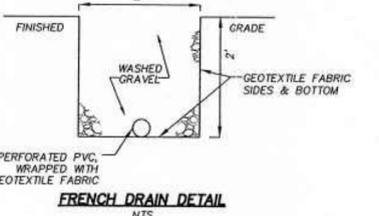
SEE ZONING BOARD OF APPEALS CASE NO. 05-3221.

ROOFTOP RUNOFF FOR DWELLING TO BE DIRECTED TO DRYWELLS VIA FRENCH DRAIN AS SHOWN. ROOFTOP RUNOFF FOR GARAGE TO BE DIRECTED BY DOWNSPOUTS TO DRYWELLS IN FRONT AND CISTERN IN REAR.



DRYWELL DETAIL
NTS

- NOTES:**
1. DRYWELLS ARE SIZED FOR A MAXIMUM OF 500 SQ FT ROOF TOP AREA WHICH IS EQUIVALENT TO A STORAGE VOLUME OF 40 CF±.
 2. DRYWELLS ARE SIZED FOR A MAXIMUM OF 1000 SQ FT ROOF TOP AREA WHICH IS EQUIVALENT TO A STORAGE VOLUME OF 80 CF±.



FRENCH DRAIN DETAIL
NTS

LEGEND

- 15% SLOPES
- 25% SLOPES
- EXISTING SHORELINE
- 100' BUFFER & EXTENDED BUFFER
- EXISTING TREELINE
- ASSIGNED HOUSE NUMBER
- PERCOLATION TEST
- STONE OUTLET STRUCTURE

GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

ACCEPTABLE DRYWELL MEDIA DESIGNS				
DESCRIPTION	VOID RATIO	LENGTH FT	WIDTH FT	DEPTH FT
WASHED GRAVEL	0.40	5.0	5.0	4.0
WASHED GRAVEL	0.40	10.0	5.0	4.0

RECEIVED
JUL 31 2006
CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

COLLISON, OLIFF & ASSOCIATES, INC.
Surveyors • Engineers
Land Planners
110 MAIN STREET
PRINCE FREDERICK, MARYLAND 20678
410-535-3101 • 301-859-1599 FAX 410-535-3103



DATE	SCALE	AS SHOWN	DATE	REVISION
7-20-06	AS SHOWN	AS SHOWN		

BUILDING PERMIT PLAT

THE PROPERTY OF
JACQUES & PATRICIA MAUCHE

FIRST DISTRICT, CALVERT COUNTY, MARYLAND
LOCATED IN LUSBY

FOR: JACQUES & PATRICIA MAUCHE



Area for proposed pool

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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August 30, 2005

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 05-3221 Mauche

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot expanded Buffer and steep slope requirements in order to permit the replacement of a single-family dwelling and to construct an accessory pool structure. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on observations made during an August 24, 2005 site visit to the property, it was noted that the existing dwelling occupies an area on the property that is mostly level. With the exception of the driveway, the existing structures do not encroach into the steep slope areas. In addition, we note that the existing dwelling and accessory structures appear to provide reasonable use of the property with an existing impervious footprint totaling 6,454 square feet. The applicant proposes to raze the existing dwelling and to construct a replacement dwelling with a 3,000 square foot footprint, along with an accessory garage structure, and an accessory pool, for a total impervious footprint of 10,100 square feet. The proposed replacement dwelling and associated improvements require disturbance to both the expanded Buffer and steep slopes. In addition, the limits of disturbance propose significant grading into the Buffer and steep slope areas surrounding the dwelling. Based on the applicant's purpose of appeal statement, this grading appears to be for the purposes of accommodating a garden.

Upon our review of the applicant's proposal, it appears that the need to disturb both the steep slopes on the property is being driven by the excessive size of the applicant's proposed dwelling. As a result of the dwelling footprint, the garage structure is forced to be located on steep slopes 25% or greater in grade, and the proposed pool is located on slopes of 15% or greater, as well as within the Buffer. In evaluating this variance request, the Board must consider whether the applicant has overcome the burden to prove that each of the County's variance standards have been met. As you aware, in 2002 and 2004, the Maryland General Assembly strengthened the Critical Area Law, and reiterated its commitment to protection of the Chesapeake Bay Critical Area's water quality and wildlife habitat values, emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent variance standards, including providing a refinement of the definition of "unwarranted hardship". The General Assembly

Concerns
• steep slope disturbance
• pool in Buffer
• C
What does written decision say on this?
• denifying the septic system
• point of view that the functional Buffer should be by creating a level grade, they can build the house.
• BOA Decision
• Reasonable to grade the knoll to accommodate the house.
• Variance is the minimum required



defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot". Because we believe that a dwelling with a smaller footprint could be constructed in a manner that avoids disturbance to steep slopes, and which allows the applicant to remove the garage from steep slopes entirely, we believe that the standard of unwarranted hardship has not been met. In addition, we note that pools are considered an accessory structure within the Critical Area. We believe that the denial of a variance for a pool would not constitute an unwarranted hardship since the applicant does and could continue to enjoy reasonable and significant use of the entire lot without this feature. Finally, the grading of earth within the Buffer and on steep slopes for the purpose of creating level land, or in order to accommodate a garden, is a use which we believe to be inconsistent with the intent of the Critical Area Law and regulations, particularly within the Buffer. For the reasons listed above, we oppose the applicant's request for a variance. I have addressed each of the County's variance standards as it pertains to this case below:

1. *That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.* It appears that a reasonably sized dwelling footprint could be accommodated on the site without disturbance to steep slopes. We acknowledge that a variance for some disturbance to the Buffer may be necessary, as it appears that the entire site may actually lie within the Buffer. However, as indicated, pools are considered accessory structures within the Critical Area, and are therefore not permitted within the Buffer. Denial of this variance would not constitute an unwarranted hardship as the applicant currently enjoys reasonable and significant use of the property, and could continue to do so in a manner that proposes significantly less disturbance to sensitive environmental features.
2. *That a literal interpretation of this subtitle or the local Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical area of the local jurisdiction.* This office would not support similar variance requests to construct a pool within the Buffer or on steep slopes within the Critical Area. In addition, the grading of steep slopes and Buffer in order to accommodate an accessory garage, a garden, or level area would not be permitted elsewhere in the County, particularly where less invasive alternatives exist.
3. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.* If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area.
4. *The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property.* It appears that the applicant has met this standard.
5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.* In contrast, the granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. The applicant is proposing to a significant amount of disturbance to the Buffer and to steep

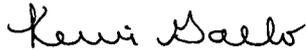
Roxana Whitt
Variance 05-3221
August 30, 2005
Page 2

slopes, both of which are recognized as particularly sensitive environmental areas in the County's ordinance. The amount of disturbance proposed results in unnecessary grading within the Buffer, and results in an increased opportunity for erosion and sediment runoff. Given that an opportunity exists to construct a replacement dwelling without disturbance to steep slopes, and with significantly less disturbance to the Buffer, the approval of this variance would not be in harmony with the general intent and spirit of the law.

In conclusion, it is our position that, unless the Board finds, by competent and substantial evidence, that the applicant has met the burden of proof to overcome the presumption of non-conformance, and the burden to prove that the applicant has met each one of the County's variance standards, the Board must deny the applicant's request for a variance as proposed.

Thank you for the opportunity to provide comments for this variance request. If you have any questions or concerns, please feel free to contact me at 410-260-3482. As always, please provide the Commission with a copy of the written decision made in this case.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CA 547-05

Case No. 06-3266

Public Hearing
January 5, 2006

Marianne D. Mason, Assistant Attorney General of Maryland has applied on behalf of Martin G. Madden, Chairman, Critical Area Commission for the Chesapeake and Atlantic Coastal Bays for a Reconsideration of the Board's decision in Case No 05-3221, Jacques and Patricia Mauche, Property Owners. The property is located at 11800 Hilltop Road, Lusby and is zoned R-1 Residential.

The matter was presented January 5, 2006 before Mr. Michael J. Reber, Chairman of the Board of Appeals, Mr. Walter Boynton, Vice Chairman and Mr. Daniel Baker. Ms. Judith A. Gillette, Assistant Attorney General, Department of Natural Resources (DNR) was present at the hearing and represented the Applicant. Mr. Mark Davis, Attorney, was present at the hearing and represented the property owners Mr. Jacques and Mrs. Patricia Mauche. A plat showing a revised location for the pool approved in Board Case No. 05-3221 was marked Applicant's Exhibit No. 1, dated and entered into the record at the hearing.

SUMMARY OF TESTIMONY AND EVIDENCE PRESENTED

1. The record for Board of Appeals Case No. 05-3221 established during the Board of Appeals hearings held September 4, 2005 and October 6, 2005 was incorporated by reference.
2. Ms. Marianne D. Mason, Assistant Attorney General of Maryland, on behalf of Martin G. Madden, Chairman, Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, submitted a request dated November 10, 2005, for reconsideration of the Board's decision in Case No. 05-3221 dated October 26, 2005. The motion for reconsideration, modification, or other appropriate relief indicated the Board's Decision on October 26, 2005 ("Decision") for Case No. 05-3221 rests on a foundation of mistakes of law.
3. The Board granted the Applicant's request for reconsideration.
4. Ms. Judith A. Gillett, Assistant Attorney General, DNR, was present at the January 5, 2006 hearing, represented the Applicant, and advised a consent agreement had been reached with Mr. Jacques and Mrs. Patricia Mauche, the property owners, and their attorney Mr. Mark Davis to relocate the

pool, approved under Board Order No. 05-3221, to an area acceptable to the Critical Area Commission. A plat showing this revised location was presented at the hearing and marked Applicant's Exhibit No. 1.

5. Mr. Mark Davis, Attorney for the property owners, advised there would be no increase in disturbance with the revised pool location.
6. Ms. Gillett requested all other issues set forth in the reconsideration request described in Item 2 above be withdrawn.
7. The Board accepted the parties' consent agreement and granted Ms. Gillett's request.

FINDINGS OF FACT

The Board finds that no evidence was presented to substantiate the allegation in the applicant's request that the Board's previous decision in Case No. 05-3221 rested on mistakes of law. The Board finds, however, that the Applicants in this case and the Applicants in Case No. 05-3221 have agreed to the revision as presented in Exhibit No. 1, and have thereby resolved the matter being contested.

CONCLUSIONS

The Board concludes that the revised plan marked Applicant's Exhibit No. 1 and dated January 5, 2006, represents a consent agreement reached between the Applicant and the property owners to relocate the swimming pool as shown, and that this revision is acceptable to the Board. The Board further concludes that the Order in Case No. 05-3221 should be amended to reflect this decision.

ORDER

It is hereby ordered, by a unanimous decision, that the Request for Reconsideration of the Board's decision in Board of Appeals Case No.05-3221 submitted by Marianne D. Mason, Assistant Attorney General of Maryland on behalf of Martin G. Madden, Chairman, Critical Area Commission for the Chesapeake and Atlantic Coastal Bays be **GRANTED** based on the Conclusions noted above.

The Board of Appeals Order for Case No.05-3221 is hereby modified as follows:

1. Exhibit No. 1, submitted at this hearing, demonstrates the new location approved by the Board, for the previously approved pool
2. The disturbance for construction previously approved shall not be increased to accommodate the new pool location.
3. The revised plan of development, including the new pool location, shall be submitted to and approved by the Critical Area Commission prior to issuance of a building permit by the County.
4. An addendum to the Order for Case No. 05-3221 shall be prepared to reflect this decision of the Board.

In accordance with Section 11-1.02 of the Calvert County Zoning Ordinance, "any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals...may appeal the same to the Circuit Court of Calvert County. Such appeal shall be taken according to the Maryland Rules as set forth in Maryland Rules, Title 7, Chapter 200 within 30 days.¹ If any application for a variance is denied by a final order of the Board, or if appealed, by a final order of the Court, a second application involving substantially the same subject matter shall not be filed within one year from the date of the final order."

Entered: February 6 2006

Pamela P. Helie, Clerk



Michael J. Reber, Chairman

¹ The subject Reconsideration Request was submitted 15 days after the date of the Order for BOA Cases No. 05-3221. In accordance with Rule 6-101B.7 of the Rules of Procedure, Calvert County Board of Appeals, the appeal period shall resume on the date of the Board of Appeals' written decision on the reconsideration request and/or revised Order for the case.

ADDENDUM TO ORDER

CASE NO. 05-3221

The purpose of this addendum is to amend the original order concerning the case, which involved a request by Jacques and Patricia Mauche for a variance in the extended buffer requirements and a variance in the steep slope requirements for construction of a replacement single-family dwelling, detached garage, driveway, pool, patios, and septic system. The property is located at 11800 Hilltop Road, Lusby and is zoned R-1 Residential.

This amendment is made to incorporate the Board's decision for Case No. 06-3266 (Marianne D. Mason, Assistant Attorney General of Maryland applied on behalf of Martin G. Madden, Chairman, Critical Area Commission for the Chesapeake and Atlantic Coastal Bays for a Reconsideration of the Board's decision in Case No. 05-3221) heard January 5, 2006.

AMENDED ORDER

Therefore, it is hereby ordered, by a unanimous decision that the original Order in this case be amended as follows:

1. The pool shall be relocated as set forth on Applicant's Exhibit No. 1, for Case No. 06-3266, dated January 5, 2006, and incorporated herein.
2. The disturbance for construction previously approved shall not be increased to accommodate the new pool location.
3. The revised plan of development shall be submitted to and approved by the Critical Area Commission prior to issuance of the building permit by the County.

Entered: February 6, 2006

Pamela P. Helie, Clerk



Michael J. Reber, Chairman

0547-05

Case No. 05-3221

Public Hearing
September 4, 2005
October 6, 2005

Jacques and Patricia Mauche have applied for a variance in the extended buffer requirements and a variance in the steep slope requirements for construction of a replacement single-family dwelling, detached garage, driveway, pool, patios, and septic system. The property is located at 11800 Hilltop Road, Lusby and is zoned R-1 Residential.

The matter was presented September 1, 2005 before Mr. Michael J. Reber, Chairman of the Board of Appeals, Mr. Walter Boynton, Vice Chairman, and Mr. Dan Baker. Mr. Jacques Mauche and Mrs. Patricia Mauche were present at the hearing. The following Exhibits were dated and entered into the record at the hearing: (1) the plat submitted with the application was marked Applicants' Exhibit No. 1; and (2) a plat with Health Department approval was marked Applicants' Exhibit No. 2. A Staff Report, along with photographs taken on site, was entered into the record at the hearing. The Board deferred action at the September hearing pending a site visit and requested the Applicants review the concerns/objections of Staff and the Critical Area Commission.

The matter was again presented October 6, 2005 before Mr. Michael J. Reber, Chairman of the Board of Appeals, Mr. Walter Boynton, Vice Chairman, and Mr. Dan Baker. Mr. Jacques Mauche and Mrs. Patricia Mauche were present at the hearing. Ms. Kerrie Gallo from the Chesapeake Bay Critical Area Commission (CBCAC) was present at the hearing and testified representing the CBCAC.

RECEIVED

OCT 27 2005

FINDINGS OF FACT

CRITICAL AREA COMMISSION

Through testimony and evidence presented at the hearing, the Board found the following facts to be true:

1. The subject property contains 3.276 acres. The property is zoned R-1 Residential.
2. The property is developed with a 2-section house, held together with a screened porch, which is situated on a level knoll. A grass lawn with large trees surrounds the house. The grass extends downhill to the western property line, and otherwise extends just to the crest of the steep slopes on the northern and eastern sides of the property.
3. The Applicants are requesting a variance in the extended buffer requirements and a variance in the steep slope requirements to construct a 60' x 50' replacement dwelling, a 24' x 36' detached garage, driveway, pool, patios, and septic system.
4. The development slope ranges from 5% on the knoll to 23% along the waterfront, to > 25% on the east hillside.
5. The 100-foot buffer area is wooded and generally in a natural state. Large oak trees are found at the edge of the buffer where it meets the grass lawn. Hellen Creek is located at the base of the slope on the north side.
6. The Applicants indicated at the September hearing that: (1) they purchased the property in 1990; (2) the property currently has an old farm house constructed in the 1930's with a second connected house added in the 1960's, which have structural problems and code violations; (3) the location of the septic is unknown; (4) 80% of the property is located in the buffer and the extended buffer; (5) the existing house footprint is larger than what is currently proposed; (6) the replacement structure would be placed where the existing main house is located; (7) the garage is needed as there is no place to park at the top of the driveway as it is very steep; (8) no trees would be removed along the Creek side of the property; (9) existing grade would be removed to make the building area larger; and (10) the proposed house would not be located in the extended buffer.
7. Staff Comments presented at the September hearing indicated: (1) the slopes at the Creek are 23% and it appears the buffer should be extended an additional ~90 feet, encompassing about half of the knoll; (2) the Department of Planning and Zoning supports the applicants' plan to rebuild on site; (3) the Department of Planning and Zoning does not support grading within the steep slope area to produce a flat pad for the proposed house; and (4) the site could accommodate reasonable use and enjoyment without the extent of development proposed.
8. The Board deferred action at the September hearing for a site visit and to allow the Applicants time to review the concerns/objections of the Staff and the CBCAC.

9. The Board visited the site between the September and October hearings. Based on the site visit the Board determined the area of concern is on the Creek side of the property and protecting that area during the construction process. The flat area shown on the plat just outside the limit of disturbance would be an appropriate place to put up an earth dike backed with a chain linked fence with silt fence (from the front of the house toward the road and then around the back portion of the house).
10. Ms. Kerrie Gallo from the CBCAC was present at the October hearing and indicated: (1) the CBCAC is concerned with the amount of disturbance to the steep slopes and recommended the size of the house be minimized, (2) the CBCAC's position is that the pool is an accessory structure and is not permitted within the buffer; (3) grading to accommodate a garden and lawn area is not consistent with the requirements of the critical area law; and (4) the CBCAC does not support the variances requested.
11. The Applicant indicated at the October hearing that: (1) the grading was needed to provide space for a garage; (2) they are improving the property and the erosion characteristics by reducing the velocity of runoff on the top of the property and with adding grass; (3) runoff would be directed away from the Creek to the south with the proposed grading which would benefit the Creek; (4) no natural habitat is being disturbed with the proposed construction; (5) safe access is driving the grading not a garden; and (6) the proposed pool would be located more than 220' feet from the Creek.
Via removal of slope
12. Staff indicated at the October hearing that based on the stakes placed on the property for the site visit, the way the Ordinance could be interpreted, and based on Planning Staff review, the pool and the patio would not be located within the functional extended buffer. The buffer area in dispute is a grass lawn, and the proposed pool and patio would be located a distance of more than 200' from the water.
13. Ms. Kerrie Gallo responded that based on the measurement and the method of measurement that is in the state law the pool and patio area as well as half of the proposed garage area does lie within the expanded buffer. She indicated the CBCAC does not and has not ever supported accessory structures within the buffer when there is room to put them outside. *pool*
14. The lot is property grandfathered for variance consideration.
15. Neighboring property owners have been notified of the proposed construction and have not opposed the Applicants' request either orally or in writing.

CONCLUSIONS

Based on the above findings of fact, the Board came to the following conclusions (in accordance with Section 11-1.01.A and Section 11-1.01.B of the Calvert County Zoning Ordinance):

1. The Applicants demonstrated through exhibits and testimony that strict application of the extended buffer requirements, and the steep slope requirements to construct a 60' x 50' replacement single-family dwelling, 24' x 36' detached garage, driveway, pool, patios, and septic system would impose peculiar and unusual practical difficulties or undue hardship. The Board noted the replacement structure would be constructed in almost the exact footprint as the existing structure. The existing structure is placed almost entirely on top of a knoll and based on this topography the area would be graded to allow for a flat space for the proposed construction.
2. Granting the variances would not cause injury to the public interest or substantially impair the intent of the Comprehensive Plan, as neighboring property owners have been notified of the proposed construction and have not objected either orally or in writing. The variance is the minimum required and the Board found there is no other suitable location for the proposed structures.
3. Findings were made which demonstrate that special conditions or circumstances exist that are peculiar to the land or structure and that a literal enforcement of provisions within the County's Critical Area Program would result in unwarranted hardship. The Board determined this project could not be as extensive as proposed without the requested variances. The Board noted that CBCAC has interpreted that accessory structures are being located within the extended buffer and because of that they do not support this activity. The Board is hesitant to place accessory structures within the buffer; however, in this particular case the Board noted there is some disagreement with regards to the delineation of the buffer from a functional point of view. The Board is adopting the point of view in this particular case that the functional buffer definition here is one it accepts based on its site visit with the buffer area being staked by professional surveyors, and by interpretation of Calvert County Planning and Zoning employees as to what is considered the extended/functional buffer.
4. A literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances will deprive the

Applicants of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County

5. The granting of the variances will not confer upon the Applicants special privileges that would be denied by the Calvert County Critical Area Program to other lands or structures within the County's Critical Area. The Applicants seek to replace a home with a modern home, and to make the area around the home more accessible and usable. The Board determined those activities are not inconsistent with the rights of others.
6. The variance requests are not based upon conditions or circumstances, which are the result of actions, by the Applicants nor do the requests arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property but due to the physical characteristics of this property and its location within the Critical Area.
7. The granting of the variances will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's Critical Area, and the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law as conditions are being added to this Order for the proposed construction.
8. The application for a variance was made in writing to the Board of Appeals with a copy provided to the Critical Area Commission.

ORDER

It is hereby ordered, by a unanimous decision, that the variance in the extended buffer requirements and the variance in the step slope requirements to construct a 60' x 50' replacement single-family dwelling with a 24' x 36' detached garage, driveway, pool, patios, and septic system as requested by Jacques and Patricia Mauche be **GRANTED** based on the above findings of fact and conclusions subject to the following conditions:

1. An earth dike with super silt fencing (chain link fencing backed with silt fencing/hurricane fencing) shall be installed starting with the northwest corner of the house and shall include the entire area adjacent to the Creek running back around to the northern most point of the garage.

2. The septic system on this property shall be retrofitted to support a denitrofication system.
3. The property shall be developed in phases with each phase being stabilized prior to proceeding with the next phase.
4. A phasing plan shall be submitted with the building permit.
5. Prior to work being done on site the location of the house and limitation of clearing shall be staked and marked.
6. The Applicants' construction representative shall meet with representatives from the Department of Planning and Zoning and the Department of Public Works to determined the construction grading and limit of clearing prior to construction start.
7. There shall be no stockpiling of excavated materials on site.
8. A foundation location plat prepared by a registered surveyor must be submitted to and approved by the Department of Planning and Zoning prior to framing.
9. A 6" washed gravel bed shall be placed under any decks or deck areas to provide stabilization.
10. All downspouts shall discharge into drywells or other appropriate and approved stormwater management devices as recommended by the Department of Public Works.
11. A finalized as-built certification prepared by a registered surveyor must be submitted for approval by the Department of Planning and Zoning showing that the grading was performed and the structures were built in accordance with the approved plan prior to final approval of the project.

12. Approval by the Zoning Enforcement Officer for the Board of Appeals is required prior to issuance of a use and occupancy permit or other final approval for the project as determined by the Department of Inspections and Permits.

In accordance with Section 6 of the Calvert County Board of Appeals Rules of Procedure, "any party to a case may apply for a reconsideration of the Board's decision no later than 15 days from the date of the Board's Order."

In accordance with Section 11-1.02 of the Calvert County Zoning Ordinance, "any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals...may appeal the same to the Circuit Court of Calvert County. Such appeal shall be taken according to the Maryland Rules as set forth in Maryland Rules, Title 7, Chapter 200 within 30 days. If any application for a variance is denied by a final order of the Board, or if appealed, by a final order of the Court, a second application involving substantially the same subject matter shall not be filed within one year from the date of the final order."

Entered: October 26 2005
Pamela P. Helie, Clerk

Michael G. Reber
Michael G. Reber, Chairman

0547-05



CALVERT COUNTY BOARD OF APPEALS

150 Main Street
Prince Frederick, Maryland 20678
Phone: 410-535-1600 Ext. 356 • 301-855-1243 Ext. 356

September 6, 2005

Jacques and Patricia Mauche
8182 Mississippi Road
Laurel, Md. 20724

Board of Commissioners
Gerald W. Clark
David F. Hale
Linda L. Kelley
Wilson H. Parran
Susan Shaw

Subject: Board of Appeals Case No. 05-3221

Dear Mr. and Mrs. Mauche:

This is to confirm the action taken by the Board of Appeals at its regular hearing on Thursday, September 1, 2005, regarding your request for a variance in the steep slope requirements and a variance in the extended buffer requirements for construction of a replacement single-family dwelling, detached garage, driveway, pool, patios, and septic system. The Board deferred action on your application pending a site visit and requested you have your engineering firm stake the area where the variance is needed to include: (1) corners for the proposed house that extend beyond the existing house; (2) the area where the garage and other proposed structures would be constructed; (3) the buffer line on the property; and (4) the extended buffer line on the subject property. The Board also requested that you review the concerns/objections of Staff and the Critical Area Commission.

This is to notify you that the Calvert County Board of Appeals will continue hearing your application for appeal on Thursday, October 6, 2005 in the Commissioners' Hearing Room, Second Floor, Courthouse, Prince Frederick, Maryland. Your case has been scheduled for the morning session, which begins at 9:00 a.m.

In accordance with Rule 5-101.A of the Board's Rules of Procedure, any request by the Board for additional information shall stay the 45-day time normally required for the Board to make its decision.

For your information, cases that have been deferred, continued or postponed for a period of 6 months or longer, with no action during that time period, are considered closed. Such cases may be scheduled to be heard by the Board only upon receipt of a new application and application fee as described in Rule 2 of the Rules of Procedure, Calvert County Board of Appeals.

If you have any questions, I can be reached at (410)535-1600, extension 2559.

Sincerely,

Pamela P. Helie,
Clerk to the Board of Appeals

Cc: Michael Reber, Chairman BOA
Kerrie Gallo, CBCAC
Jeff Tewell, COA

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SEP 07 2005

CRITICAL AREA COMMISSION

Mailing Address: 175 Main Street, Prince Frederick, Maryland 20678

Maryland Relay for Impaired Hearing or Speech 1-800-735-2258

BEFORE THE CALVERT COUNTY BOARD OF APPEALS**CASE NO. 05-3221****JACQUES AND PATRICIA MAUCHE
APPLICATION FOR VARIANCE TO CRITICAL AREA
REQUIREMENTS
11800 Hilltop Road,
Lusby, Maryland
Date of Decision: October 26, 2005****MOTION FOR RECONSIDERATION, MODIFICATION,
OR OTHER APPROPRIATE RELIEF**

Martin G. Madden, Chairman, Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, through his attorneys, J. Joseph Curran, Jr., Attorney General of Maryland, and Marianne D. Mason, Assistant Attorney General, files this Motion for Reconsideration, Modification, or Other Appropriate Relief from the above-captioned decision of the Calvert County Board of Appeals; and avers in support thereof as follows:

1. The Critical Area Commission was a party to the above-captioned case. In addition, the Chairman of the Commission has standing and the right to initiate this action pursuant to Annotated Code of Maryland, Natural Resources Article, Section 8-1812(a).
2. The Board's Decision of October 26, 2005 ("Decision") rests on a foundation of mistakes of law, as set forth below in Paragraphs 3 through 13.
3. The Board mistakenly granted variances for construction of a house, detached garage, driveway, pool, patios, and septic system in the expanded Critical Area shoreline Buffer and on steep slopes, despite the applicants' having failed to meet their burden to prove that the application satisfied each and every one of the critical area variance standards. Under the State Critical Area law, if a variance application fails to meet even one of the standards, the application must be denied. Code, Natural Resources Article ("NR"), Section 8-1808 (d) (4) (ii).
4. The Board mistakenly used an incorrect legal standard of "peculiar and unusual practical difficulties or undue hardship." (Decision at 4, Finding 1) The General Assembly required that, for Critical Area variances, an applicant must prove that, without the requested variance, the applicant will suffer an "unwarranted hardship" as that term is defined by the Critical Area law: that is, an applicant would be "denied reasonable and

significant use of the entire parcel or lot for which the variance is requested." NR 8-1808(d)(1).

5. The Board mistakenly determined that the variances should be granted because "this project could not be as extensive as proposed without the requested variances." (Decision at 4, Finding 3) This is not the standard for evaluating whether an applicant will suffer an unwarranted hardship. The applicant failed to show, as required by law, that without a variance for the detached garage, swimming pool and patio area, the applicant would be denied reasonable and significant use of the entire parcel or lot.

6. The Board's Decision appears to be based, in part, on the Board - created concept of a "functional buffer." (Decision at 4, Finding 3) The term "functional buffer" is not a concept recognized in the Critical Area law. Buffer surfaces are either pervious (i.e., vegetated) or they are impervious. Pervious surfaces allow infiltration of water, and assist with filtering pollutants. The State law, NR 8-1802 (a) (4) defines "Buffer" as "an existing, naturally vegetated area, or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances." The Decision expressly found that the "buffer area in dispute is a grass lawn." (Decision at 3, Finding 12) A Buffer area that is planted in grass is still a pervious surface which fulfills water quality functions and still provides some habitat.

7. The Decision appears to rest, in part, on the mistaken notion that construction of the proposed improvements may not affect the Buffer. (Decision at 3, Finding 12) Any development activity that results in adding impervious surface to the Buffer will have an adverse impact, even if the development activity takes place in the expanded Buffer. State law defines "development" as "any activity that materially affects the condition or use of dry land, land under water, or any structure." NR 8-1802 (a)(8). Grading and building are development activities. The development activity proposed here will remove a vegetated pervious surface and replace it with substantial impervious surface.

8. The Decision mistakenly asserts that there is uncertainty about how to measure the expanded Buffer. (Decision at 4, Finding 3) As explained by the Commission's witness, the State law provides standards for expansion of the Buffer. In this case, the pool, patio, and half of the proposed garage would lie in the expanded Buffer. (Decision at 3, Finding 13)

9. The Board mistakenly found that the applicant would be denied a right commonly enjoyed by others in the Critical Area. (Decision at 4-5, Finding 4) The Board did not identify the "right," but there is no right to build structures on steep slopes or in the Critical Area Buffer. The General Assembly required the Board to find that "without the variance, the applicant would be deprived of a use of land or a structure permitted to others in accordance with the provisions of the critical area program." NR 8-

1808 (d) (4) (iii). Nowhere does the Critical Area program permit the building of pools, patios, or garages in the expanded Buffer or on steep slopes.

10. The Board mistakenly found that the applicant would not obtain a special privilege from the variance, because the applicant's proposed "activities are not inconsistent with the rights of others." (Decision at 5, Finding 5) The Board did not identify the "rights of others" to which it compared the applicant's request. Under the Critical Area program, no other person has the right to construct these extensive improvements, including accessory structures, in the expanded Buffer or on steep slopes.

11. The Board did not require the applicant to overcome the statutory presumption that the specific development activity in the Critical Area does not conform to the general purpose and intent of the Critical Area law. The General Assembly established this presumption, and mandated as follows: "In considering an application for a variance, a local jurisdiction shall presume that the specific development activity in the critical area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this subtitle, regulations adopted under this subtitle, and the requirements of the local jurisdiction's program." (Emphasis added) NR Section 8-1808(d)(2)(i). Moreover, an applicant "has the burden of proof and the burden of persuasion to overcome the presumption." Id at (d) (3).

12. The application failed to demonstrate that the variance requested is the minimum necessary to afford relief from the alleged unwarranted hardship. In particular, there was no evidence from which the Board could have made a finding that, without the pool, garage, and patios, the applicant would be deprived of reasonable and significant use of the entire parcel or lot, which is the legal standard established by the General Assembly.

13. The Board mistakenly stated, without supporting factual evidence, that the variance would be in harmony with the general spirit and intent of the Critical Area law. (Decision at 5, Finding 7) In making this finding, the Board failed to acknowledge the stated purposes and goals of the Critical Area law. Nor did the Board mention that the General Assembly expressly strengthened the State law in 2002 and 2004, to reiterate that variances are to be granted sparingly, and only in cases of true "unwarranted hardship."

The Decision does not acknowledge the General Assembly's policy of maintaining the integrity of the shoreline buffer and protecting that area from the harmful impacts of development. Two findings made by the legislature in 2004 are instructive: "Human activity is harmful in these shoreline areas, where the new development of nonwater-dependent structures or the addition of impervious surfaces is presumed to be contrary to the purpose of this subtitle." NR 8-1801(a)(4). Moreover, "[t]he cumulative impact of current development and of each new development activity in the buffer is inimical to these purposes [of the Critical Area statute]" NR 8-1801 (a) (9). Clearly, the stated

purpose and intent of the law is to restrict, to the most compelling cases, variances for the addition of new impervious surfaces in the Buffer. By not considering the General Assembly's expressed purposes, the Board erred.

RELIEF REQUESTED

WHEREFORE, for the reasons and authorities set forth above, the Chairman of the Critical Area Commission respectfully requests the Board:

1. To rescind its Decision and Order based on mistake, and to issue a modified Decision denying all of the variances; or, in the alternative,
2. To modify its Decision and Order based on mistake, granting variances only for the single-family dwelling and the septic system, while requiring that the size of the dwelling be minimized and that disturbance to the steep slopes be limited to the minimum necessary to permit construction of the dwelling and septic system; and denying variances for all other requested development activity.

Respectfully submitted,
J. Joseph Curran, Jr.
Attorney General of Maryland



Marianne D. Mason
Assistant Attorney General
Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401
(410) 260-8351

Attorneys for the Chairman, Critical
Area Commission for the Chesapeake
and Atlantic Coastal Bays

November 9, 2005

**BOARD OF APPEALS
CRITICAL AREA FORM**

**THE FOLLOWING ADDITIONAL INFORMATION IS REQUIRED FOR ALL
CRITICAL AREA VARIANCE CASES:**

PROPERTY LOCATION AND INFORMATION:

Tax Map # 42 Parcel 31 Lot — Block — Section —
Property Address 11800 HILLTOP RD. LUSBY, MD 20657
Zoning R-1 Critical Area Designation YES
Total Acreage of Property 3.276 A Tax ID 018965

PROJECT INFORMATION:

Type of construction proposed ONE & HALF STORY HOUSE, GARAGE, D'WAY, PATIOS
Total square footage of the proposed construction 10,100 SF
Total square footage of existing impervious surface 6,454 SF
Total square footage of proposed impervious surface 10,100 SF
Total square footage of existing tree cover 91,159 SF
Total square footage of disturbed area and/or tree cover to be removed 475 SF
Is the proposed construction site within the waterfront buffer? YES
Is the proposed construction site on slopes greater than 15%? YES

ALL PLANS MUST CONTAIN THE FOLLOWING INFORMATION:

Location and dimensions of the proposed construction.

Location and dimensions of all existing improvements on the property.

Location and dimensions of driveways, parking areas and accessory structures.

Distances from proposed construction to all property lines and waterways/wetlands.

Location of the approved well and the septic system drainfields.

Location of the tree canopy line and limit of clearing.

Waterfront and/or wetland buffers.

****For all new and replacement dwellings and for substantial additions, fully engineered plans are required, showing 2-foot contours, grading, and proposed sediment and erosion control measures.**

**NOTE: APPLICATIONS AND PLANS THAT ARE INCOMPLETE MAY BE
RETURNED TO THE APPLICANT FOR COMPLETION BEFORE SCHEDULING
FOR PUBLIC HEARING.**

Calvert County Board of Appeals Application for Appeal

Purpose of Appeal

The purpose of the appeal is to allow us to replace an existing house structure which will necessitate re-grading and occupying a portion of the "extended buffer" zone on Helen Creek in Lusby Maryland.

The property is located at the end of Hilltop Road and consists of 3.276 Acres on Helen Creek, a tributary of the Patuxent River. The entire property is a knob that slopes away from the center in all directions. The crest of the knob extends for about 140 feet in a general north/south direction and varies in elevation by approximately 8 feet from elevation 72+/- to 64+/- from south to north. The existing house structure is located entirely on the crest of the knob, approximately 200 feet from the water's edge. A steep gravel driveway extends from Hilltop Road at elevation 52+/- to the highest point of the knob at elevation 72+/-, which is located on the south side of the structure. 64% of the property is heavily wooded and the majority of the forest cover is located on the north and east side of the property between the top of the hill and the water's edge. Due to the sloping terrain the entire property, with the exception of the very top of the knob, falls within the primary and extended buffer zones.

The existing structure consists of two single story houses connected by a screened in porch with outside patios and walkways on two sides. The primary house was built in the 1950's and the secondary or original house dates back to at least the 1930's. Each house has its own heating and septic system and at one time had independent wells.

We purchased this property in 2000 with the intent of renovating the existing house(s) and retiring on the water in Calvert County. However, due to numerous structural problems we have decided that the best option would be to deconstruct the existing buildings and construct a new energy efficient single house at approximately the same location as the existing structure with a detached garage. The dilemma is that the only level terrain will be occupied by the proposed house leaving insufficient flat land to construct a garage with room to park and turn around before descending down the driveway. We would also like to have additional flat land around the perimeter of the house for patios, walkways, a small pool and room for gardening.

It is our intent to preserve the naturally vegetated buffer on the creek side(s) of the property and confine the disturbance to an area away from the creek. In order to create some relatively level land (approximately 1/2 Acre) we are proposing to remove a portion of the top of the knob and regrade the slope on the crest of the knob away from the water toward the south. This would involve excavating a maximum of 9' of material from the highest point of the knob to an average elevation of 63+/- . This would reduce the area of "15% or greater slopes" by approximately 9,300 SF on the entire property and redirect the runoff away from the creek for a significant portion of the proposed half acre of level land. This would also reduce the grade differential of the driveway by about 10 feet and eliminate the steepest portion of the driveway. The additional landscaping would increase the overall stability of the property.

Without this variance, construction of the entire project would not be feasible and would render the area around the proposed house unusable except for what it is now, a steep lawn which will be difficult to negotiate in our later years. Construction of driveway turnaround would be impossible due to the narrow non buffer area and the driveway would have to remain long and steep with a grade differential of over 20 feet. Without a favorable response we will have to reevaluate our intentions for this property as our retirement home as it would only be useful as a seasonal weekend residence.

In addition to the personal advantages for us, acceptance of this variance by the board would have the following benefits for the environment and to the county and their dedication to protecting and preserving the lands around the Chesapeake watershed:

- Reduction in energy consumption and emissions
- Replacement of two old outdated septic systems with a single engineered system
- Reduction in runoff velocity and redirection of runoff away from the creek
- Impervious area of less than 7.5% of the entire property
- Increased property value

Project Information

Site Information:

Lot Area: 3.276 Acres=142,702.5 SF
 In the Critical Area YES
 Soils Map # 42
 Current Impervious Area: 6,454 SF+/- = 4.52 %
 Proposed Impervious Area: 10,100 SF+/- = 7.08 %
 Current Forested Area: 91,159 SF+/- = 63.88 %
 Forested Area TBR: 475 SF+/- = 0.33 %
 Proposed Forested Area: 90,684 SF+/- = 63.55 %

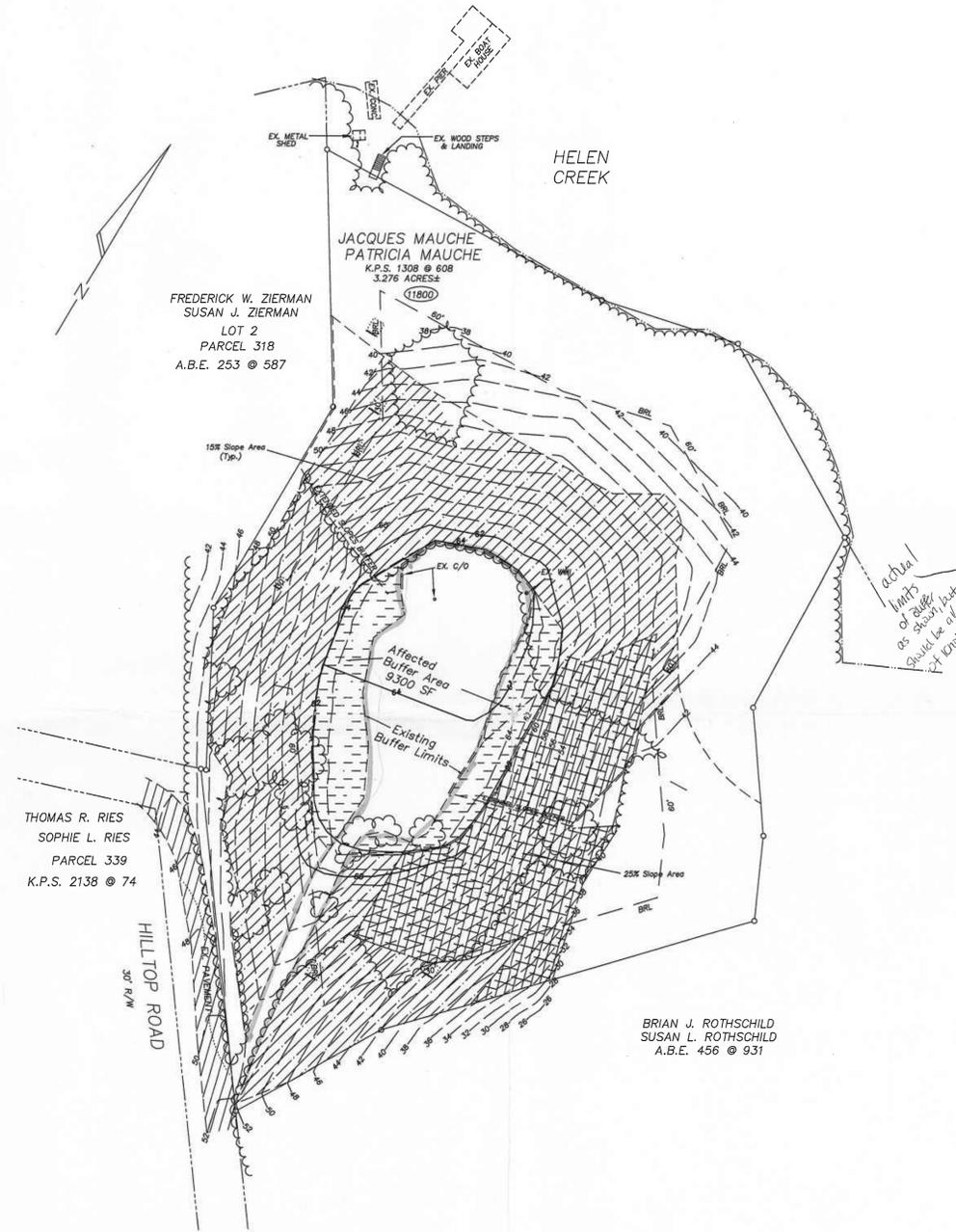
 Temp. Disturbed Area: 21,900 SF+/- = 15.35 %
 Affected Extended Buffer: 9,300 SF+/- = 6.52 %
 15% Slope Area 7,000 SF+/- = 4.91 %
 25% Slope Area 2,300 SF+/- = 1.61 %

House:

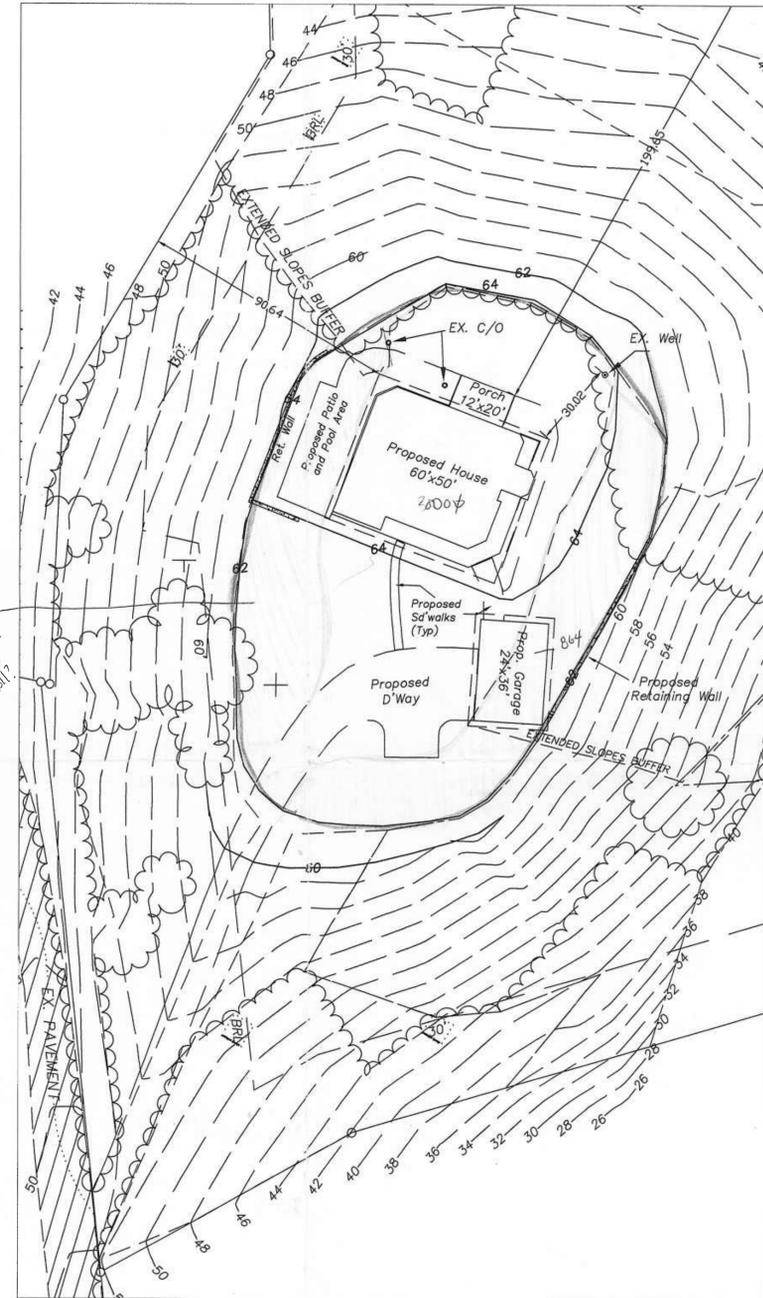
One & half Story, 3 bedroom house on full basement
 w/porches, patios & walkways
 Detached Garage
 First Floor Elevation: 67.0
 Basement Elevation: 56.0
 Garage Elevation: 62.5

Septic System:

Septic Tank Size: 2000 Gal
 Leach Field Size: 100', two trenches of 50' x 2', 10'
 separation
 Depth of Field: 9' w/6' of gravel, pipe 3' below
 surface
 Waste Line Elevation: 59.0



BUFFER AREA VARIANCE
Scale 1"=50'



PROPOSED SITE PLAN
Scale 1"=30'

LEGEND

- EXISTING SHORELINE
- 100' BUFFER
- EXISTING CONTOURS
- PROPOSED CONTOURS
- EXISTING TREELINE
- PROPOSED TREELINE
- PERCOLATION TEST
- 15% SLOPES & EXTENDED BUFFER
- 25% SLOPES
- Affected Buffer Area

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AUG 10 2005
CRITICAL AREA COMMISSION



Property of
Jacques & Patricia Mauche
County Tax ID No. 018965

DATE	SCALE	NO. SHOWN	NO. OF	DATE	APPROVED	PERSON
05-05	AS SHOWN	1	1	05-05	J.M.	J.M.
05-05	AS SHOWN	1	1	05-05	J.M.	J.M.

Critical Area Variance
Tax Map-42 Parcel-31

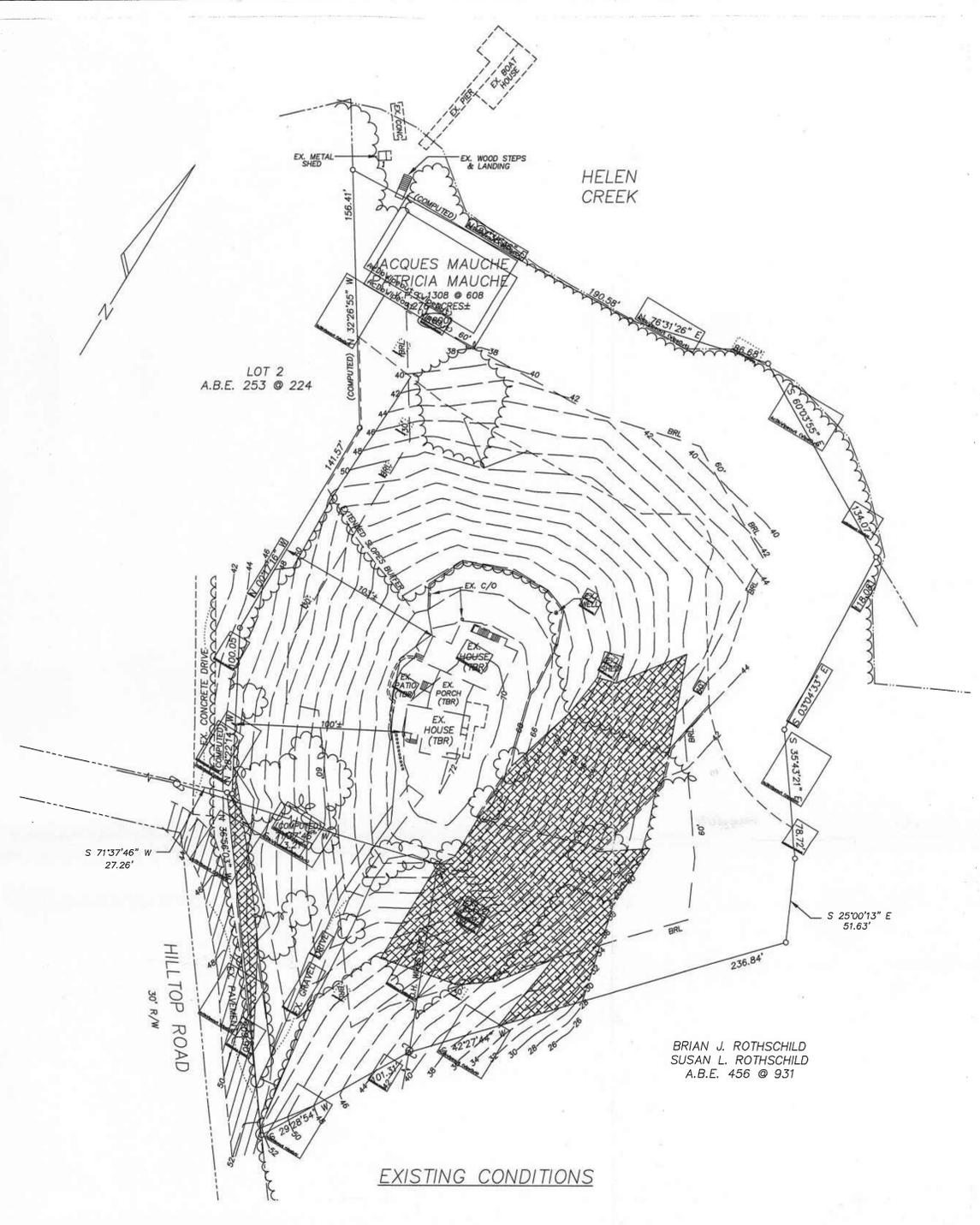
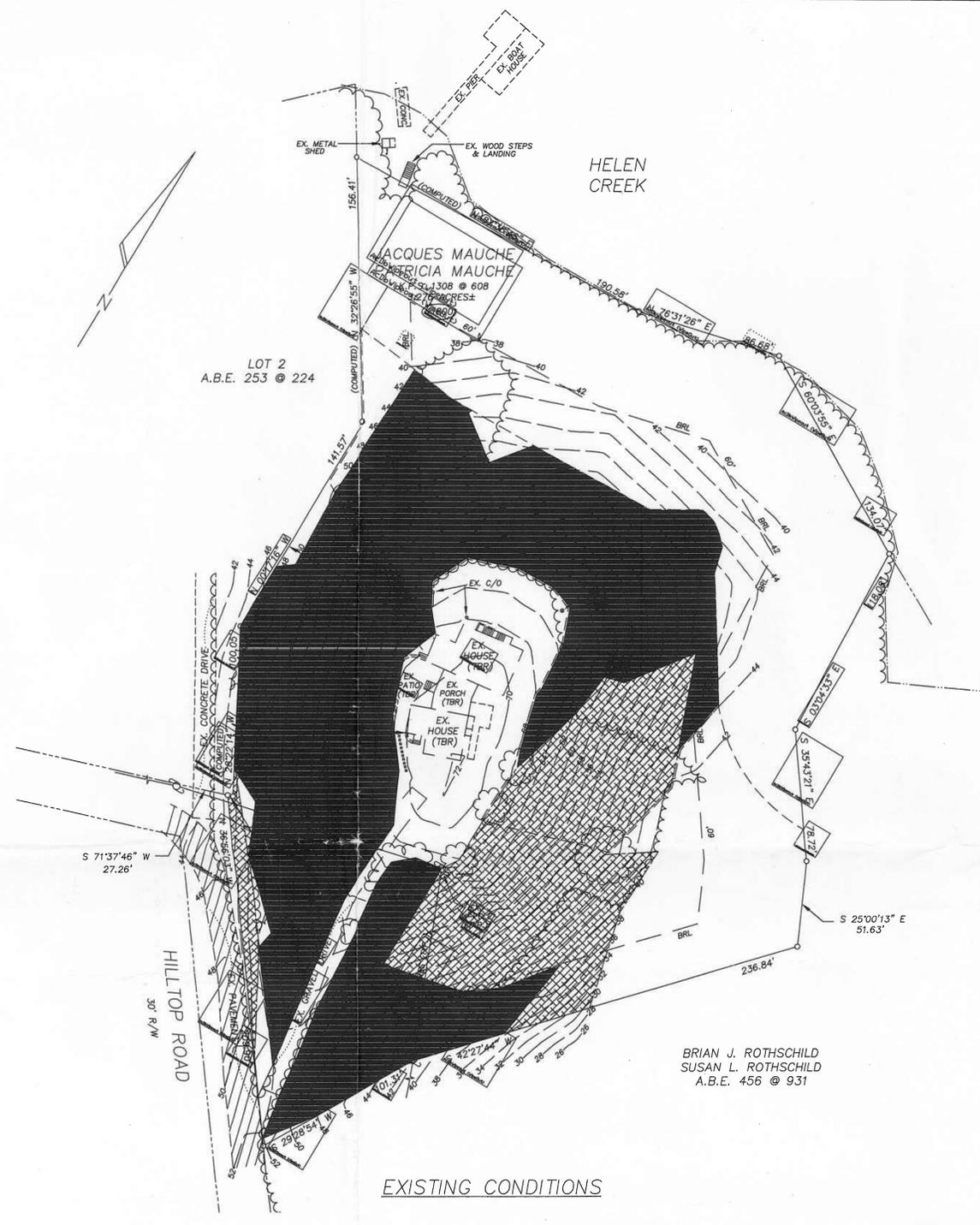
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AUG 10 2005
CRITICAL AREA COMMISSION

DWG. NO. **CA-1**
Sheet No. **1 of 3**

05-3221

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COLLISON, OLIFF & ASSOCIATES, INC.
COA
 Surveyors • Engineers
 Land Planners
 288 MERRIMAC COURT
 PRINCE FREDERICK, MARYLAND 20678
 410-535-3101 • 301-855-1589 FAX 410-535-3103



INFORMATION STATEMENT

TWO STORY HOUSE
 ON BASEMENT
 GARAGE
 PORCH
 DECK

GARAGE ELEVATION:
 FIRST FLOOR ELEVATION:
 BASEMENT ELEVATION:

LOT AREA: 3.276 ACRES ±
 DISTURBED AREA: XXX SQ. FT. ±
 IMPERVIOUS AREA: 6,454 SQ. FT. ± OR 4.5%
 FORESTED AREA: 91,159 SQ. FT. ± OR 63.9%
 FORESTED AREA TBR: XX SQ. FT. ±

OWNER: JACQUES MAUCHE
 PATRICIA K. MAUCHE
 DEED: K.P.S. 1308 @ 608
 TAX I.D.#: 01-018965

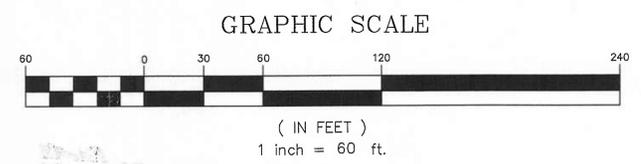
SOILS MAP #42
 SOIL TYPE: **ErE** ERODED LAND,
 STEEP
ReD RUMFORD-EVESBORO GRAVELLY
 LOAMY SANDS,
 12 TO 20 PERCENT SLOPES
SaB2 SASSAFRAS LOAMY FINE SAND,
 2 TO 5 PERCENT SLOPES,
 MODERATELY ERODED

THIS LOT IS IN THE CRITICAL AREA.
 SEE ATTACHED STORMWATER MANAGEMENT STUDY.
 CONTACT "MISS UTILITY" AT 1-800-257-7777 AT LEAST
 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.

DECKS AND OTHER STRUCTURES NOT SHOWN DO NOT
 HAVE ZONING APPROVAL FOR CONSTRUCTION.

THE ISSUANCE OF COUNTY PERMITS IS A LOCAL PROCESS
 AND DOES NOT IMPLY THE APPLICANT HAS MET STATE &
 FEDERAL REQUIREMENTS FOR WETLAND FILLING AND/OR
 WETLAND BUFFER DISTURBANCE.

THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE
 REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES,
 EASEMENTS, RIGHTS-OF-WAY OR BUILDING RESTRICTION
 LINES NOT SHOWN.



- LEGEND**
- EXISTING SHORELINE
 - 100' BUFFER
 - EXISTING TREELINE
 - ASSIGNED HOUSE NUMBER
 - PERCOLATION TEST
 - PROPOSED WELL
 - 15% SLOPES & EXTENDED BUFFER
 - 25% SLOPES

DATE	SCALE AS SHOWN	DRAWN BY	RCJ, NLM	APPROVED	REVISION
DEC. 04					
JOB NO. 1-8262					
FOLDER REF. TM 42					
DATE P. 31					

BUILDING PERMIT PLAT

THE PROPERTY OF
JACQUES & PATRICIA MAUCHE

FIRST DISTRICT, CALVERT COUNTY, MARYLAND
 LOCATED IN LUSBY

FOR: JACQUES & PATRICIA MAUCHE

SHEET NO. 1 OF 1

FILE NO. A - 16 - 256

